



County of Sonoma
Permit & Resource Management Department

Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: CPH15-0002
DATE: July 19, 2018
TIME: 1:05 PM
STAFF: Jennifer Faso, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Obie Bowman, Architect

Owner: Sean Jing

Location: 20958 Highway 1, Timber Cove
APN: 109-090-011 Supervisorial District No.: 5

Subject: Coastal Permit with Hearing

PROPOSAL: Request for Coastal Permit with hearing for a remodel and addition to an existing single family dwelling.

Environmental Determination: Mitigated Negative Declaration

General Plan: Rural Residential

Specific/Area Plan: Local Coastal Plan (LCP)

Ord. Reference: Section 26C-90(a)

Zoning: RR (Rural Residential), CC (Coastal Combining), B7 (Frozen Lot Size)

Land Conservation Contract: N/A



**Application Complete
for Processing:**

March 30, 2018

RECOMMENDATION: Adopt Mitigated Negative Declaration and approve the Coastal Permit to allow a remodel to an existing single family residence that includes a 358 square foot addition, septic system upgrade, construction of an emergency vehicle turnaround, reconfigured driveway, windscreen, replacement deck and new exterior siding and roof materials.

EXECUTIVE SUMMARY: The two acre project site is located west of Highway 1 within the Coastal Zone. The parcel contains an existing single family residence constructed in the early 1980s. This request is for a Coastal Permit to allow a remodel and addition to the existing residence which will include: a 358 square foot addition; new driveway windscreen walls; reconfiguration of the existing driveway; new emergency vehicle turnaround; removal of one tree; new exterior siding and new roof singles. The application also includes a request for a reduction to the recommended wetland buffer setback. A Biological Assessment was prepared for this project. The Local Coastal Plan recommends a 100 foot setback buffer from environmentally sensitive areas. The applicant is requesting a 15 foot setback buffer based on the analysis within the project's Biological Assessment. The assessment concluded that based on the project description and plans the project will not have environmental impacts.

A Notice of Pending Action and Notice of Hearing Waiver was circulated for this project. Within the required 15 day notice period a request for a public hearing was submitted to Permit Sonoma. In response to the neighbor's concerns the applicant made several revisions to the original project. The revisions include retention of the existing garage and reconfiguration of the driveway and emergency turnaround. The driveway and emergency turnaround will now more closely follow the path of the existing driveway and will be located entirely on the subject property.

A Mitigated Negative Declaration was prepared for this project and is attached as a separate attachment.

ANALYSIS

Project Description: An application requesting a Coastal Permit has been received from Obie Bowman, Architect, on behalf of the property owner Sean Jing, to allow a remodel and addition to an existing 4,537 square foot single family dwelling located west of Highway 1 in Timber Cove. The residence was originally built in the early 1980's with subsequent additions and remodels permitted throughout the 1990's. The proposed project includes the following (See Exhibit D):

- A 358 square foot addition to the existing residence. The addition will allow for additional living room area and powder room as shown on the plan set and as shown in red on the site plan (Exhibit I).
- Two new six foot high windscreen walls, approximately 26 feet long at the driveway entrance and a new attached storage shed and propane tank enclosure. The addition of the windscreens will create a garden courtyard where the former driveway was located at the front of the residence.
- Replace existing 725 square foot deck on the south side of the dwelling within the existing footprint.
- A new 30 foot by 30 foot emergency vehicle turnaround within the northeast boundaries of the subject parcel.
- New driveway utilizing wheel ribbons (two parallel strips for the vehicle tires with open, unpaved space in between) along the east side of the new courtyard. The use of wheel ribbons will increase the permeable surface area. The new driveway will connect to the southeastern side of the existing garage. Vehicles will enter the garage on the southeastern side of the garage.
- Removal of one 22 inch diameter Monterey cypress tree located on the southeast portion of the project site. Removal is required because the tree is located within the path of the relocated driveway.
- Replace existing cedar roof shingles with charcoal medium gray composition shingles on the entire house.
- Upgrade existing septic system.
- New 6 foot high fence along a portion of the east property line.
- An existing detached 455 square foot wood shed and propane tank enclosure on the south side of the existing structure will be removed.
- Removal of existing 866 square foot two story deck on the west and south side of the existing dwelling. The decks will not be replaced.

The following exterior materials and colors are proposed.

Siding: Charcoal composition shingle, medium gray corrugated metal.
Roof: Charcoal composition shingle.
Lighting: New downcast and shielded exterior lighting.

Background: On August 10, 2015, a Notice of Pending Action on a Coastal Permit and Waiver of Public Hearing was mailed to property owners within 300 feet of the project site, published in the Press Democrat, mailed to the Coastal Commission and posted in three locations in the vicinity of the project site. Per the Local Coastal Plan Administrative Manual, the public and other agencies were given 15 days to comment on the proposed project. A request for a public hearing was submitted to Permit Sonoma within the 15 day notice period. The opposition to the project expressed by the neighbors relates to the proposed new emergency turnaround, new courtyard, and concerns related to work within possible sensitive environmental areas (see Exhibit E). Analysis of these concerns is included in the issue discussion below.

In response to the neighborhood concerns, the applicant submitted revised plans. The revisions include a reduction in size of the emergency turnaround and the emergency turnaround will now be entirely located on the subject parcel. The project no longer includes changes to the existing 50 foot wide driveway easement located on a neighboring parcel to the north. Only changes to the portion of the driveway located on the subject parcel are proposed (see Exhibit I). Originally, the applicant proposed to convert the existing garage into a workshop however to address comments from the neighbors the garage will be retained. The garage door will be relocated to the southwest elevation and will be accessed from the rerouted driveway. A Biotic Assessment dated July 2, 2015, and updated April 1, 2016, a Geotechnical Report dated January 15, 2016, and Wetland Evaluation dated January 15, 2018, were included in the resubmittal (see Exhibits F& G).

Site Characteristics: The project site is a two acre parcel located on the west side of Highway 1 at 20958 Highway 1 in Timber Cove. The site is developed with an existing two story 4,537 square foot single family dwelling, attached garage, and gravel driveway. The site slopes from 505 feet above sea level on the eastern portion of the site near the driveway entry down to 450 feet above sea level on the western portion of the site adjacent to the ocean. Many existing Monterey cypress trees surround the existing single family dwelling.

Surrounding Land Use and Zoning:

North:	Vacant Land and Residential Uses Zoned RR (Rural Residential), CC (Coastal Combining)
South:	Vacant Land, zoned PF (Public Facilities), CC (Coastal Combining) and Commercial Uses Zoned CT (Commercial Tourist District), CC (Coastal Combining)
East:	Residential Uses, zoned RR (Rural Residential), CC (Coastal Combining)
West:	Pacific Ocean

DISCUSSION OF ISSUES

Issue #1: Consistency with the Local Coastal Program (LCP)

The proposed project is located within the Coastal Zone, and therefore the project is subject to the provisions of the Sonoma County Local Coastal Plan (1987, amended 2001). The purpose of the Local Coastal Plan is to protect, maintain and where feasible enhance the overall quality of the coastal environment. The Local Coastal Plan identifies intended land uses and includes policies to preserve the Coastal Zone's visual and biological resources.

Land Use

The Land Use Section of the Coastal Plan formulates development policies that together with the Land Use maps, indicate the type, location and intensity of land permitted in the Coastal Zone. The Local Coastal Plan identifies the project site and surrounding parcels as Rural Residential. The current land use of the project site is residential and the proposed project will not change the existing land use, therefore the project is consistent with the Local Coastal Plan Land Use section.

Visual

The Visual Resources Section of the Local Coastal Plan provides policies to prevent blockage or degradation of scenic views and to assure that development is compatible with the existing natural and developed landscape. All development shall conform with the coastal plan visual resources recommendations, applicable scenic view protection policies and policies related to landform and vegetation categories included in the coastal administrative manual.

The proposed project will not impact existing views for surrounding parcels and views from public roads since a majority of the project involves the interior remodel of an existing single family residence. A total of 358 square feet is proposed to be added to the existing footprint. The addition will include a bump out of the living room located on the west elevation and a new powder room on the east elevation. Both additions will not be visible from the front of the property and will not impact existing views for surrounding parcels since the living room addition is located at the rear of property and the powder room addition will be within the courtyard. The overall height of the existing structure will not increase as a result of this project, therefore there will not be further view obstruction due to a height increase.

The project also includes the addition of new windscreens and a sliding gate at the driveway. The windscreen will be located approximately 60 feet back from the front property line outside of the required 30 foot front yard setback. At the driveway the windscreen will be 6 feet high and will slope into the slight hill on the eastern side of the property (see Exhibit I).

The project site includes many existing Monterey cypress trees that surround the residence and along with the topography of the site, visual screening is provided from Highway 1 and

surrounding parcels. One 22 inch diameter Monterey cypress will be removed since it is located within the path of the reconfigured driveway. The removal of the cypress will not negatively impact views from Highway 1 and adjacent properties given that there are many other existing Monterey cypress trees on the property.

Proposed materials and colors include natural earth toned materials that are non-reflective and blend into the natural environment. Charcoal, medium gray composition shingles are proposed for the siding and the roof; natural gray stone is proposed for the deck area and stairs (a materials board will be available at the hearing).

The surrounding area is developed with single family dwellings of various sizes and architectural styles. Given that the exterior modifications proposed for this project consist of natural materials with earth tones similar to adjacent structures, the project will be compatible with the neighborhood and the natural environment.

The project site is not located within a designated Scenic Resource area however as part of the Coastal Permit the proposed project was analyzed for consistency with the Design Review General Development Standards Section 26C-292 of the Coastal Zoning Code (see Issue #2 – Zoning Consistency) and Permit Sonoma's Visual Assessment Guidelines. Based on the Guidelines and the Coastal Zoning Code Design standards it was determined that the project is less than significant in regards to visual impacts. The project is minimally visible from public views and surrounding views and the proposed form, colors and materials are similar to the surrounding natural environment and architectural character.

Based on the analysis above, the project is consistent with visual section of the Local Coastal Plan.

Biotic

The Local Coastal Plan identifies areas along the Sonoma County coast that contain sensitive environmental resources. The project site is not located within one of the Local Coastal Plan's identified sensitive areas. However, as part of the Coastal Permit the project was analyzed for consistency with the Environmental Resources Section of the Local Coastal Plan and the Environmental Resources Management Recommendations.

A Biological Assessment was prepared by Darren Wiemeyer of Wiemeyer Ecological Science, dated July 2, 2015, and revised April 1, 2016 (see Exhibit F). Three site visits were conducted by the biologist, habitat types were identified, and a wetland delineation was performed. Only one special - status plant species, Harlequin lotus (*Hosackia gracilis*), was observed on and around the site. Approximately five Harlequin lotus plants were observed along the property boundary. No grading or site disturbance will occur in the vicinity of the Harlequin lotus plants. Given the location of the existing structure and the location of the proposed addition and driveway, the project will not impact this area or any of the Harlequin lotus plants.

No raptor nests or native bird nests were observed and additionally no special-status animals species were observed during the biological surveys. However, it was determined that several special-status animal species have the potential to occur in habitats in and around the project site. For this reason the applicant has incorporated avoidance and

minimization measures into the project design/description to reduce impacts to habitats on the project site. These measures include pre- construction surveys for nesting birds and monarch butterfly if construction activities occur during raptor or native bird nesting season or during overwintering periods for monarch butterfly. A pre-construction survey will be performed by a qualified biologist, prior to construction.

As noted above, a wetland delineation was performed as part of the Biological Assessment. The Assessment concluded that seasonal wetland habitat occurs on the project site under the Monterey cypress trees located southeast of the existing residence. The wetlands are a result of off-site changes in drainage patterns from a man-made swale. Based on the assessment analysis the wetlands provide no habitat for fish, amphibians or aquatic invertebrates and provides almost no value as foraging or refuge habitat for wildlife in the area. The seasonal wetland provides very limited value as flood protection and only provides a low value as surface water infiltration and treatment.

The proposed reconfigured driveway on the east side of the residence will avoid the seasonal wetlands (see Exhibit H) however only a 15 foot buffer is proposed. The Local Coastal Plan recommends a minimum of 100 foot setback unless an environmental assessment finds the wetlands would not be affected by development. The Coastal Plan only recommends the 100 foot setback. A 100 foot setback is only a recommendation in the Coastal Plan as opposed to a requirement because each project and project site has its own unique features and appropriate buffer widths vary with each project. Attachment M of the Local Coastal Plan's Administrative Manual defines the *Criteria for Establishing Buffers Areas*.

The applicant submitted a request for a wetland setback reduction and in support of this request a Wetland Setback Evaluation was prepared by Darren Wiemeyer of Wiemeyer Ecological Sciences dated January 13, 2018 (see Exhibit G). The evaluation concluded that the proposed 15 foot setback buffer would not negatively affect the wetland area. This conclusion is based on the following:

- a.) The function and value of the seasonal wetland area is limited and it provides no habitat for fish, amphibians or aquatic invertebrates.
- b.) The seasonal wetlands provides no value for foraging or refuge habitat for wildlife in the area.
- c.) The project description includes erosion and sediment control measures and post construction re-seeding which will prevent sediment or other potential pollutants from entering the seasonal wetland in the vicinity of the construction. The re-seeding mix will be Sea Ranch Meadow Mix and will consist of Chewings Fescue, Hard Fescue and Broadleaf Trefoil.
- d.) If the project is constructed as described in the project description, the function and values of the seasonal wetland will not be decreased as a result of the proposed project.

Based on the analysis above the setback reduction can be approved consistent with the Administrative Manual procedures and Environmental Resources Section of the Local Coastal Plan.

Issue #2: Coastal Zoning Consistency

The project site has a zoning of (RR) Rural Residential, CC (Coastal Combining). This zoning designation allows for low density residential uses. The proposed remodel and addition to the existing single family dwelling is consistent with the allowed uses in the Rural Residential zoning district. The existing residential use of the site will not change as a result of this Coastal Permit.

Residential Development Criteria

The applicable Rural Residential development criteria was analyzed as part of the application and the proposed project is consistent with the Rural Residential development criteria. The proposed 358 square foot addition and windscreen will be within the required property line setbacks. Below are the required setbacks that apply to this project.

Zoning Ordinance Section 26C-92(f)		
Yard Requirements	Required Setback	Proposed Setback
Front	<i>Not less than thirty feet (30') provided, however, that no structure shall be located closer than fifty five (55') to the centerline of any public road, street or highway</i>	44 feet (44')
Side	<i>Minimum of ten feet (10')</i>	20 feet (20') 120 feet (120')
Rear	<i>Minimum of (twenty) 20'</i>	56 feet (56')

The Coastal Zoning Ordinance states that the maximum height of residential structures west of Highway 1 is limited to 16 feet, however Per Section 26C-92(8) of the Ordinance up to a maximum of 24 feet may be approved if the structure will not block coast views from the corridor route or neighboring properties and is compatible with community character.

The average height of the existing residence is 21.5 feet and was approved by building permit B-116671 in 1991. The proposed addition, at the rear of the residence, is 19 feet 5 inches in height and will be located below the existing upper roofline on the west elevation. The addition will not add any additional height to the existing structure and will not block the coast views from Highway 1 or the adjacent parcels.

Based on the analysis above the project is consistent with the development standards of the Coastal Zoning Ordinance.

Design Review General Development Standards

Per Section 26C-292 of the Coastal Zoning Code, Design Review was performed as part of the Coastal Permit analysis. Pertinent provisions of Section 26C-292 that are applicable to this project are listed below with staff's response indicated.

- (a) Proposed structures are designed and situated so as to retain and blend with natural vegetation and land forms of the site and to ensure adequate space for light and air to itself and adjacent properties;*

Staff Analysis: The proposed project will blend into the natural environment and will blend in with the land forms because natural color tones and natural materials will be used. Furthermore, as shown on the plans the small additions located on the west elevation and east elevation are not visible from Highway 1 and will not crowd the adjacent properties.

- (i) Varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhood;*

Staff Analysis: The surrounding area is developed with single family residences that are of various architectural styles and sizes. The proposed exterior building materials (charcoal composition shingles and medium gray corrugated metal) are earth toned similar to materials used by adjacent structures. Therefore the proposed project is compatible with the surrounding neighborhood and the natural environment.

- (j) The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community.*

Staff Analysis: The proposed project will not change the current residential use of the property and the project design is consistent with a residential use. The surrounding neighborhood contains residences of varying sizes. The existing residence is one of the larger residences in the neighborhood, however the proposed project incorporates design features that will allow the structure to continue to be in harmony with the adjacent residential structures and the natural environment. Project design features include the use of natural colors and materials for the exterior components of the project. The removal of the large two story decks on the west and south elevations of the structure will help the structure appear less cluttered and smaller in scale. Additionally, a significant number of existing Monterey cypress trees surround the residence and screen it from adjacent neighbors and Highway 1. Only one Monterey cypress tree is to be removed for the driveway relocation.

Based on the analysis above the project is consistent with the Design Review Development standards of the Coastal Zoning Ordinance.

Issue #3: Neighbor's Concerns

Permit Sonoma staff received correspondence (see Exhibit E) from the adjacent neighbors in regards to this project. Below is a summary of the issues raised with staff's comments.

- Courtyard

Neighborhood Concern: The neighbors are concerned that the creation of the courtyard will require removal of 10 Monterey cypress trees and the removal of a substantial amount of earth. They are also concerned that the courtyard will be used for outdoor gatherings.

Staff Comments: The proposed courtyard will replace the existing gravel driveway and parking area. As shown in Exhibit I, no trees will be removed in the creation of the courtyard garden and only a small amount of earth will be removed. One 22 inch diameter Monterey cypress tree is proposed for removal as part of the overall project. The courtyard will be used by the property owner for personal gardening and will not be used for large gatherings. The existing residential use of the property will not change as a result of this project.

- Driveway

Neighborhood Concern: The neighbors are concerned that the reconfigured driveway will impact the riparian area east of the courtyard.

Staff Comments: The Biological Assessment prepared by Darren Wiemeyer of Wiemeyer Ecological Science identified seasonal wetlands and habitat on the project site. The Assessment concluded that the proposed project will not impact the function and value of the riparian area based on the fact that the proposed project has been designed to avoid direct contact with this area. Furthermore erosions and sediment control measures have been incorporated into the project for the construction of the reconfigured driveway. The areas that are disturbed during construction will be re-seeded with Sea Ranch Meadow Mix. The mix contains 45 % Chewings Fescue, 45% Hard Fescue and 10% Broadleaf Trefoil.

See Issue #1 Biotic section above for further discussion.

- Emergency turnaround

Neighborhood Concern: The neighbors are concerned that the emergency turnaround is too large and will overlap into the adjacent parcel, furthermore they are concerned that a large amount of grading would be required to construct the turnaround. Finally there are concerns that the public would use the turnaround as parking for coastal access.

Staff Comments: The emergency turnaround has been reduced in size from what was shown on the original submittal and moved entirely onto the subject parcel (see Exhibit I). The grading plans show that the maximum grade change for the turnaround will be less than 15 inches.

- Leach fields

Neighborhood Concern: The neighbors are concerned that multiple trees will be removed to accommodate an upgraded the septic system.

Staff Comments: The existing septic system will be upgraded to a Class 1 system. A Class 1 system is a system that is in compliance with criteria of the reutilization policy and there is an unencumbered reserve expansion area. The Septic capacity and required upgrade is based on pre-percolation site evaluation, wet weather determination and percolating tests that were performed by Dimensions 4 Engineering, Inc. No trees will be removed as a part of the septic upgrade.

- Fence

Neighborhood Concern: The neighbors are concerned that a 5-foot fence will be constructed that will surround the entire property and that the fence will be incompatible with the neighborhood and block views of the ocean.

Staff Comments: A 5 foot high fence surrounding the entire property is not proposed. The project does include a 6 foot fence that will run along a portion of the northeast property line. The fence will run from the end of the parcel along the side northeastern property line for approximately 55 feet (see Exhibit I). This fence will be located under the existing trees and will screen a shed and the backyard of the adjacent neighbors parcel.

- Accessory Dwelling Unit

Neighborhood Concerns: The neighbors are concerned that the project includes an accessory dwelling unit.

Staff Comments: The proposed project does not include a request for an accessory dwelling unit. The existing use of the parcel is a single family dwelling and will remain a single family dwelling.

- Building height

Neighborhood Concerns: The neighbors are concerned that the proposed addition exceeds the maximum building height allowed by the Coastal Zoning Code.

Staff Comments: The original height of the existing residence is 21.5 feet and was approved with building permit B-116671 in 1991. The proposed addition will be 19 feet 5 inches which is below the existing roofline. The Coastal Zoning Ordinance states that a maximum of 16 feet in height is allowed. However per Section 26C-92(8) the height limit can be exceeded to a maximum of 24 feet if coastal views are not blocked from the corridor route or neighboring properties and is compatible with community character.

The proposed addition will not block views from the corridor route or neighboring properties since the addition will be located on the rear elevation behind the existing structure.

- Grading

Neighborhood Concerns: The neighbors believe that over 800 cubic yards of earth will be excavated as part of the project.

Staff Comments: Based on the applicants plans and grading plan less than 200 cubic yards of earth will be excavated.

- Tree Removal

Neighborhood Concerns: The neighbors believe that 19 Monterey cypress trees will be removed.

Staff Comments: The plans submitted with the application indicate that one Monterey cypress tree will be removed as a result of this project. The tree to be removed is 22 inches in diameter and is located in the path of the proposed reconfigured driveway. For this reason the tree will be removed. The project site contains numerous Monterey cypress trees, therefore the removal of one tree will not have a negative impact on the project site or the surrounding parcels.

Issue #4: California Environmental Quality Act (CEQA) Determination

A Mitigated Negative Declaration has been prepared for the project. The key issues addressed by the environmental document relate to Biological Resources and Aesthetics.

STAFF RECOMMENDATION

Staff recommends the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the requested Coastal Permit based on the findings shown in the Resolution and subject to the attached Conditions of Approval.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Vicinity Map

EXHIBIT C: General Plan Land Use and Zoning Map

EXHIBIT D: Project Description dated July 18, 2017

EXHIBIT E: Request for hearing and neighbor comments dated June 17, 2016 and July 5, 2018

EXHIBIT F: Biological Assessment dated July 2, 2015 and Revision 1.0 dated April 1, 2016

EXHIBIT G: Wetland Setback Reduction Evaluation dated January 13, 2018

EXHIBIT H: Wetland Site Plan prepared by Wiemeyer Ecological Sciences

EXHIBIT I: Reduced project plan set date Stamped August 10, 2017

EXHIBIT J: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration and Full size plans.